

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS**

**Katharine Bond,**

**Plaintiff,**

**v.**

**Case No. 17-cv-2345-JWL**

**Prospect Mortgage LLC  
d/b/a CapWest Mortgage,**

**Defendant.**

**MEMORANDUM & ORDER**

Plaintiff filed a complaint against defendant, her former employer, alleging claims of sex discrimination and retaliation arising out of the termination of her employment. Defendant has moved to dismiss plaintiff's sex discrimination claim under Federal Rules of Civil Procedure 12(b)(6). In lieu of filing a response to the motion to dismiss, plaintiff has filed a notice of her intent to file an amended complaint pursuant to Federal Rule of Civil Procedure 15(a)(1)(B), which she has attached to her notice. The filing of the amended complaint renders moot the motion to dismiss. *See Ortega v. New Mexico Legal Aid, Inc.*, 2015 WL 12661927, at \*1 n.1 (D.N.M. 2015); *Shane v. CitiMortgage, Inc.*, 2012 WL 3111730, at \*1 (D. Kan. July 31, 2012). The court, then, will direct plaintiff to file her amended complaint, which moots the motion to dismiss.

**IT IS THEREFORE ORDERED BY THE COURT THAT** defendant's motion to dismiss (doc. 9) is **moot** and plaintiff is directed to file the amended complaint that she has attached to her notice no later than **Monday, September 18, 2017**.

**IT IS SO ORDERED.**

Dated this 11<sup>th</sup> day of September, 2017, at Kansas City, Kansas.

s/ John W. Lungstrum  
John W. Lungstrum  
United States District Judge